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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Hendricus Franciscus van der Eerden

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EXAMINER

LUK, EMMANUEL S

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

04/27/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/519,071	Applicant(s) VAN DER EERDEN ET AL.	
	Examiner EMMANUEL S. LUK	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,49,51,69-82,88,89,92,94-101,113,114,116,117 and 119-130 is/are pending in the application.
- 4a) Of the above claim(s) 1 and 69-82 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 99-101,114 and 117 is/are allowed.
- 6) ☒ Claim(s) 49,51,88,89,92,94-98,113,116,119,120 and 123-130 is/are rejected.
- 7) ☒ Claim(s) 121 and 122 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 49, 51, 88, 89, 92, 94-98, 113, 116, 119, 120, and 123-130 are rejected. Claims 99-101, 114, and 117 are indicated allowable, while claims 121 and 122 are objected. Claims 1 and 69-82 are withdrawn from consideration.

Response to Arguments

2. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection in response to the newly amended claims such as claim 88 and for the newly added claims 119-127. In regards to the arguments concerning prior art references such as Caldwell, the references has been dropped and in addition, claims 99-101, 114, and 117 have been indicated allowable. In regards claims 51 and 88 and dependent claims, Fay 3205837 in view of Fay 4957425 teaches the newly added claim limitation of the means for closing. The newly added features of the claims concern the means for closing the mold, however, the Fay '425 teaches an equivalent feature.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 49, 51, 88, 89, 92, 94-98, 113, 116, 119, 120, 123-130 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fay (3205837) in view of Fay (4957425).

Fay teaches a molding device having a drum 13 with mold cavities 14 and sintered metal 17 for a porous layer that allows for air pass through and support gas supply means 22. The means for applying a medium for eliminating adhesion is shown in Figure 4 via the passage to the porous layer that is connected on all sides as seen in the Figure. The excess pressure means for supplying pressurized fluid is taught by Fay, see Col. 3, lines 66-70, and the porous structure being made from sintered metal, see Fay Col. 2, lines 67-68. The reduced-pressure means as shown in Col. 4, lines 41-45, the connecting passage coupled to the pressure means are shown in Figure 4 and would be considered as applying to forces between all sides of the boundary of the mold cavity and molded product.

In regards to claim 96, the formation made from sintered metal is taught by Fay, the formation via spark erosion is noted, but is a process of forming the sintered metal Fay still teaches the structural limitation.

In regards to claim 98, as seen the drum of Fay is rotated and thus it is implied that an associated drive means rotate the drum in the direction of rotation, see Figure 1, and Col. 2, lines 36-42.

Fay fails to teach the claimed housing, pressure means with flexible plate, and release device and means for closing the mold cavity.

Fay teaches a molding device having a drum 13 with mold cavities 14 and sintered metal 17 for a porous layer that allows for air pass through and support gas supply means 22, Fay also teaches the housing 111 that feeds the material through an outlet 116 and the housing conforms to the drum, see Figure 2. Fay also teaches a release device with the movement of the pistons driving the material out, see Figure 5. The pistons in the cavities of the drum are moved to accommodate the materials thus act similar to flexible plates due to the pressure of the pressure means. The knives 114, 113, act as cutting devices in the passage of the mass feed member. The means for closing the mold cavity can be seen in the scraper 36 of Fay '425. In addition, Fay '425 shows a structure that is similar in function in closing the mold cavities after the material is filled into the mold cavities in Figure 5, specifically the cutoff knife 113.

Allowable Subject Matter

6. Claims 99-101, 114, and 117 are allowed.
7. Claims 121 and 122 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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8. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record for claims 99-101, 114, and 117 fail to teach the claimed drum with flexible premoulds and with the gas pressure means for both excess and reduced pressures. The prior art of record for claims 121 and 122 fail to teach the claimed molding device with the further claimed release device arranged at the release position in regards to the claimed molding device.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached PTO-892 form.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMMANUEL S. LUK whose telephone number is (571)272-1134. The examiner can normally be reached on Monday-Fridays from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yogendra N Gupta/
Supervisory Patent Examiner, Art Unit 1791

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